UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RODNEY BARBER :
:
vs. : C.A. NO.: 05-390-ML
:
VERIZON NEW ENGLAND, INC :

OBJECTION TO DEFENDANT'S MOTION TO PRECLUDE PLAINTIFF'S EXPERT

Now comes the Plaintiff by and through attorney, and moves that this Honorable Court deny Defendant's Motion to Preclude Plaintiff's Expert for the following reasons.

Plaintiff has made a good faith effort to comply with the Order of this Court. Attorney for Plaintiff had to speak with Dr. Emgushov (who was on vacation until September 11, 2006), then had to type up a report for her to sign, and then get her to sign said report. The report was sent by email to Defendant on September 13, 2006. In said email, it was stated that said report should be the final report but that until Dr. Emgushov actually signed said report, though it was believed that she would sign said report, it was the best Plaintiff could do. Attorney for Plaintiff then called Defendant on either September 14 or 15 and stated that the Doctor signed said report and the corresponding paperwork (signed report, medical records, and Curriculum Vitae) would be sent in the mail. Defendant should have received the paperwork by September 18, 2006 as it was sent on September 15, 2006. Dr. Emgushov stated that she would testify consistent with the medical records. There is not a separate report stating the Doctor's opinion. Instead, she would correlate Mr. Barber's medical records with the symptoms as stated in her report.

Plaintiff had initially listed two (2) experts but has been unable to provide the information to Defendant, other than the medical records, and therefore, will not be using the second doctor for the purposes of responding to the anticipated summary judgment motion.

WHEREFORE, Plaintiff requests that Defendant's Motion to Preclude Plaintiff's Expert be denied.

RODNEY BARBER
By his Attorney,

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CERTIFICATION

I hereby certify that on the 18th day of September, 2006 I emailed a true copy of the within to Attorney Raymond Ripple, Edwards & Angell, LLP, 2800 Financial Plaza, Providence RI 02903, and Attorney Timothy P. Van Dyck, Edwards & Angell, LLP , 101 Federal Street, Boston, MA 02110.